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6
7 BEFORE THE
8 BOARD OF MEDICAL QUALITY ASSURANCE
9 DIVISION OF MEDICAL QUALITY
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation) No. D-3816
Against:)
14)
GARY C. ADEN, M.D.) DEFAULT DECISION
15 3563 4th Avenue)
San Diego, California 92103)
16)
Physician's and Surgeon's)
17 Certificate No. C26644)
18 Respondent.)
19

20 FINDINGS OF FACT

21 1. On or about June 24, 1988, Complainant Kenneth
22 Wagstaff, in his official capacity as Executive Director of the
23 Board of Medical Quality Assurance Division of Medical Quality,
24 Department of Consumer Affairs, State of California (hereinafter
25 "Board"), filed Accusation No. D-3816 against Gary C. Aden, M.D.
26 (hereinafter "respondent"). On or about April 4, 1989,
27 complainant filed a supplemental accusation against respondent.

2. On or about August 3, 1988, respondent filed a Notice of Defense. On or about February 6, 1989, respondent was served with a Notice of Hearing setting the hearing on the accusation and supplemental accusation for June 5, 1989 through July 14, 1989. On or about May 23, 1989, respondent voluntarily waived his right to a hearing on the allegations contained in the accusation and supplemental accusation.

3. On October 10, 1964, the Board issued Physician's and Surgeon's Certificate No. C26644 to respondent. The license expired on November 30, 1987.

4. Business and Professions Code section 118 provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of a court of law, or its surrender without written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

5. Government Code section 11520 provides, in pertinent part:

"(a) If the respondent fails to file a notice of defense or to appear at the hearing, the agency may take

1 action based upon the respondent's express admissions or
2 upon other evidence and affidavits may be used as evidence
3 without any notice to respondent"

4 6. The Division of Medical Quality has jurisdiction to
5 revoke respondent's physician's and surgeon's certificate
6 pursuant to the following provisions of the Business and
7 Professions Code:

8 a. Section 2227 provides that the Division may revoke,
9 suspend for a period not to exceed one year, or place on
10 probation, the license of any licensee who has been found guilty
11 under the Medical Practice Act.

12 b. Section 2234 provides that the Division shall take
13 action against any licensee who is charged with unprofessional
14 conduct, which includes gross negligence.

15 c. Section 726 provides that the commission by a
16 physician of any act of sexual abuse, misconduct, or relations
17 with a patient which is substantially related to the
18 qualifications, functions, or duties of a physician constitutes
19 unprofessional conduct and grounds for disciplinary action.

20 d. Section 821 provides:

21 "The licentiate's failure to comply with an order
22 issued under Section 820 shall constitute grounds for
23 the suspension or revocation of the licentiate's
24 certificate or license."

25 7. Respondent has subjected his license to discipline
26 under Business and Professions Code sections 2234, 726, and 821
27 in connection with his care and treatment of the following

1 patients as follows:

2 NANCY P.

3 A. In approximately January, 1972, Nancy P.
4 became a psychiatric patient of respondent. During her first few
5 therapy sessions with respondent, Nancy P. told respondent about
6 the marital and sexual problems she was having with her husband.

7 B. In approximately March, 1972, respondent gave
8 Nancy P. the book The Story of "O" and told her to read it.
9 Respondent gave her approximately 12 other books which referred
10 to sado-masochism, where the female characters were whipped and
11 controlled. Respondent discussed each of the books in detail
12 with Nancy P.

13 C. In approximately April, 1972, respondent
14 directed Nancy P. to come to the next therapy session without
15 wearing any underwear and to wear a dress. She complied with
16 these directions. During this session, while her eyes were
17 closed, respondent came over to where she was sitting and placed
18 his hand under her dress to check if she was wearing underwear.
19 Respondent then massaged her pubic area for about 10 minutes.
20 Respondent directed her not to wear a brassiere or underwear for
21 the next therapy session.

22 D. Therapy sessions which followed consisted of
23 Nancy P. sitting in a chair with her eyes closed. Respondent
24 directed her not to move her arms from the armrests. Respondent
25 then positioned her legs on a footstool or placed them apart, and
26 he would kneel down with his head near her knees. Respondent
27 massaged her breasts and vagina, talked to her about the books,

1 and talked about sexual orgasms. Respondent also described
2 characters in the books being whipped and having orgasms.
3 Respondent told Nancy P. this was the type of therapy that
4 Sigmund Freud practiced.

5 E. During the summer of 1972, respondent called
6 Nancy P. at her home on a number of occasions. Respondent would
7 talk about a book and make sexually explicit statements.
8 Respondent directed Nancy P. to answer the calls in her bedroom,
9 to masturbate at home, and then to masturbate while he was
10 talking to her on the telephone. Nancy P. refused to do this but
11 told respondent she did.

12 F. In late summer of 1972, respondent told Nancy
13 P. during a therapy session that he was coming to her house the
14 following week and that she should buy a certain brand of Scotch
15 liquor, dress up in a 1950's style dress, and buy a riding crop.
16 She complied with these directions.

17 G. On a Friday night shortly thereafter,
18 respondent came to Nancy P.'s home. Respondent gave Nancy P. an
19 injection in her buttocks. After drinking Scotch with Nancy P.,
20 respondent removed the 1950's style dress she was wearing.
21 Respondent directed Nancy P. into the bedroom, had her lie face
22 down on the bed, and tied her hands and feet to the four corners
23 of the bed. He then began to whip her with the riding crop until
24 she passed out. She awoke the next morning naked, untied, in
25 pain, with her back severely bruised, lacerated and bleeding, and
26 with a recollection of having experienced some form of vaginal
27 penetration.

1 H. The following Monday, Nancy P. called
2 respondent's office and cancelled her remaining appointments with
3 him. That evening, respondent called her and told her she was
4 not well enough to stop therapy. Thereafter, respondent began
5 calling her at night, but would not identify himself. The calls
6 were obscene in nature. The phone calls continued for
7 approximately six weeks but eventually stopped.

8 ANN C.

9 A. In 1968, Ann C. became a psychiatric patient
10 of respondent. She sought therapy because she was depressed.

11 B. On or about the summer of 1971, during therapy
12 sessions, respondent began telling Ann C. that she had nice legs.
13 Later in 1971, respondent told Ann C. several times that she did
14 not have "the guts to have an affair." Respondent once told Ann
15 C.: "You'd be scared to death if I asked you to come over here
16 and sit on my lap."

17 C. Ann C. saw respondent for therapy sessions
18 during 1971 and 1972. In the summer of 1972, Ann C. moved away.
19 However, she did have a therapy session with respondent around
20 Christmas, 1972.

21 D. Ann C. began to see respondent for therapy
22 sessions on a regular basis beginning in June, 1973. During one
23 session, respondent asked Ann C. to sit in his lap. She walked
24 over to him, sat in his lap, and they exchanged hugs and kisses.
25 Respondent then engaged in an act of sexual intercourse with Ann
26 C. in his office.

27 E. Ann C. returned to respondent's office for her

1 next appointment about three weeks later and another act of
2 sexual intercourse occurred after respondent asked her to sit in
3 his lap. Thereafter, further acts of sexual intercourse occurred
4 during some of Ann C.'s therapy sessions with respondent,
5 including, but not limited to, in December, 1973 and on Ann C.'s
6 birthday on March 13, 1974. Therapy sessions with respondent
7 ceased in April, 1974.

8 JUDITH R.

9 A. On or about October 1, 1975, Judith R.
10 consulted respondent for the purpose of obtaining a diagnosis and
11 treatment of a psychological illness. She was hospitalized by
12 respondent at Vista Hill Hospital for purposes of testing, and
13 remained there for about three months. In early 1976, respondent
14 advised her that she had an incurable illness which required
15 medication and therapy by him for the rest of her life. Judith
16 R. remained his patient through approximately July, 1981.

17 B. During the course of her therapy, respondent
18 continually prescribed medications for Judith R., including but
19 not limited to Parnate, Valium, Ritalin, Mellaril, Florinef
20 Acetate and Dexedrine. Judith R. was hospitalized four to six
21 times for drug reactions and became dependent on the drugs.

22 C. On or about February 11, 1976, respondent first
23 hypnotized Judith R. and thereafter hypnotized her regularly. As
24 a result of the hypnosis and/or drugs, Judith R. was unable to
25 recall many of the events which transpired between her and
26 respondent until approximately May, 1982.

27 D. During the time that Judith R. was a patient

1 of respondent, the following acts of a sexual nature took place:

2 1. On two occasion during 1978, respondent came
3 to Judith R.'s apartment and they engaged in sexual intercourse.

4 2. On approximately six to eight occasions
5 between 1976 and 1981, Judith R. took off all her clothes during
6 therapy sessions while in respondent's office and laid down naked
7 on the floor. Respondent then touched Judith R.'s body in a
8 sexual fashion.

9 3. On one occasion during a therapy session in
10 respondent's office, respondent placed a hose in Judith R.'s
11 vagina.

12 4. On more than one occasion during therapy
13 sessions in respondent's office, Judith R. was regressed to
14 childhood, and respondent inserted a type of sexual toy called a
15 "snow cone" in Judith R.'s rectum. The first time this occurred
16 was on or about February 11, 1976.

17 5. On at least one occasion during a therapy
18 session in respondent's office, Judith R. had her eyes closed and
19 was imagining she was driving a car, with respondent in the back
20 seat exhorting her to go faster and faster. She then opened her
21 eyes and discovered she was on the floor masturbating.

22 6. On one occasion during a therapy session in
23 respondent's office, Judith R. was regressed to childhood with
24 her eyes closed, and respondent talked about a baby in a baby
25 house which was on fire. Judith R. was supposed to put out the
26 fire. She opened her eyes and found she was holding a tube in
27 her vaginal area.

1 7. On one occasion during a therapy session in
2 respondent's office, Judith R. stood naked on top of respondent's
3 desk and respondent placed his hands on her vaginal area.

4 8. On or about February 11, 1976, while in
5 respondent's office, respondent performed a physical examination
6 on Judith R. which included a rectal and vaginal check, and
7 insertion of a drain in her rectum. Respondent then got down on
8 the floor between her legs while Judith R. was standing, and
9 while performing a vaginal examination, told Judith R. he was
10 "eating [her] come."

11 9. Between October, 1980, and September, 1981,
12 respondent regularly called Judith R. at her home and frequently
13 discussed sexual matters. During some of these conversations,
14 respondent discussed his own sexual wishes and bizarre sex acts.

15 10. On or about October, 1980, respondent
16 directed Judith R. to buy the book The Story of "O", read it and
17 relate to it. Respondent subsequently told Judith R. he wanted
18 her to be an "O" and he would be the master.

19 MARY M.

20 A. In approximately September, 1969, Mary M.
21 became a psychiatric patient of respondent. She sought therapy
22 because she was depressed. She had been married since 1960.

23 B. After two or three visits, respondent told
24 Mary M. that her problems were sexual in nature, that she had too
25 many sexual inhibitions, she needed to overcome them, she needed
26 to relax before she could work on them, and he suggested
27 hypnosis. Respondent's hypnosis technique consisted of having

1 Mary M. breathe fast, close her eyes and relax. The patient's
2 eyes remained closed during hypnosis.

3 C. When Mary M. was hypnotized, respondent talked
4 to her about her being a prostitute, followed by discussions of
5 her day to day activities.

6 D. At approximately the sixth therapy session,
7 respondent directed Mary M. to take her clothes off. When Mary
8 M. objected, respondent became angry and threatened not to treat
9 her. Mary M. removed her clothes. Respondent told her to lay
10 down on the sofa, relax, keep her eyes closed, and that he was
11 going to spank her, that she would enjoy it, and that she wanted
12 it and deserved it. Respondent directed Mary M. to roll over on
13 her stomach. When she did so, he spanked her buttocks with his
14 hands, causing her buttocks to become red and bruised.
15 Respondent then unzipped his pants, lowered them, and attempted
16 to have sexual intercourse with Mary M., but was unable to
17 penetrate her.

18 E. Part of each of the next three or four therapy
19 sessions included respondent spanking Mary M. Following the
20 spanking, respondent asked Mary M. to perform oral sex on him and
21 she did. Because she had no prior experience, respondent showed
22 her where to put her hands and her mouth. Respondent sat in a
23 chair and Mary M. knelt in front of him. One time after oral
24 sex, respondent masturbated in front of Mary M. until he
25 ejaculated. While this was occurring, respondent talked about
26 her "being a whore." During approximately two of these sessions,
27 respondent told Mary M. to disrobe and he attempted to have

1 sexual intercourse with her but was unable to. During the
2 sessions when Mary M. did not disrobe, respondent lifted her
3 dress and spanked her on her panties. While he did this,
4 respondent said Mary M. needed it, wanted it, and enjoyed it.
5 Respondent directed Mary M. not to talk about their sessions.

6 F. In approximately December, 1969, respondent
7 told Mary M. that they needed more privacy than was available in
8 his office and that they needed to move to a motel. Throughout
9 1970, respondent and Mary M. met nearly every week in a motel.
10 In 1971, Mary M. moved to Covina, and they met approximately
11 twice a week. Occasionally, respondent would meet Mary M. in the
12 Los Angeles area, and they met on more than one occasion at the
13 Disneyland Hotel. Thereafter, the meetings between respondent
14 and Mary M. became infrequent, until 1975, when Mary M. moved to
15 Georgia. Between 1975 and 1985, they met in various cities while
16 respondent was attending conventions. Each such meeting lasted
17 for about two or three days. Their meetings ended in 1985.

18 G. When respondent and Mary M. first met in a
19 motel in late 1969, respondent tied her hands to the back of the
20 bed, had Mary M. lie on her stomach, and beat her mostly on her
21 buttocks with his belt. Respondent told Mary M. that she wanted
22 this and enjoyed it, and directed her not to cry. However, she
23 did cry and became black and blue from the beating.

24 H. The beatings at the motels continued over a
25 long period of time. Occasionally, respondent would become
26 sexually excited and massage Mary M.'s vagina and anus with his
27 hands, masturbate, or direct Mary M. to masturbate herself in

1 front of him. Sexual intercourse occurred but on an infrequent
2 basis. Respondent purchased presents for Mary M., including a
3 black skirt, blouse, bra, and hose.

4 I. During 1971, Mary M. became pregnant by
5 respondent. Respondent said it was all right for her to have the
6 baby but that he could not tell anyone it was his. Respondent
7 arranged for and paid for an abortion to be performed in a motel
8 room.

9 J. Also during 1971, Mary M. took an overdose of
10 tranquilizers and had to be hospitalized at Sharp Hospital.

11 K. Sometime in 1977 or 1978, Mary M. visited
12 respondent at his apartment in San Diego. Respondent gave her a
13 shot of morphine, shaved her pubic area with a razor, took a
14 metal stick with a loop on the end, held it over a flame, and
15 branded her by touching the hot iron to the skin of her pubic
16 area. The brand is in the shape of a question mark. Respondent
17 told Mary M. he was putting his brand on her, that it showed
18 ownership, and that she was doing what he wanted her to do. The
19 brand burned and later blistered and scabbed over. Respondent
20 gave her morphine shots over the next few days for the pain.

21 L. On two occasions, respondent took Mary M. to
22 massage parlors in Orange County. After their massages,
23 respondent directed the female masseuse to perform oral sex on
24 Mary M. while respondent watched, and then had her perform oral
25 sex on him while Mary M. watched.

26 M. In September, 1981, Mary M. met respondent in
27 Las Vegas, Nevada. Respondent gave her an injection in her left

1 arm which caused her severe pain. Later, respondent gave her
2 some pills for the pain, and they engaged in their ritual with
3 the belt. The pain increased and Mary M. went to a hospital
4 emergency room where she remained for the night. Respondent
5 picked her up the next day and took her back to their motel, but
6 she remained sick. Mary M. returned to Atlanta, Georgia the next
7 day and entered a hospital, where she remained for 10 days. Her
8 left arm developed a severe infection.

9 N. In 1985, Mary M. met respondent in a motel in
10 Atlanta. While they were there, respondent put his belt around
11 Mary M.'s neck and pulled on it until she passed out. When she
12 regained consciousness, he pulled it again until she passed out
13 again. This occurred several more times. The next morning, Mary
14 M. had a sore throat and told respondent she was afraid.
15 Respondent told her to trust him, that he knew what he was doing,
16 and that he was not going to "snuff" her out. Mary M. became
17 afraid of respondent and the potential for an accidental death.

18 O. Mary M. left respondent and attempted a drug
19 overdose. She was admitted to a hospital in Chamblee, Georgia
20 for a 21 day rehabilitation program. Since then, she has been
21 under the care of a psychiatrist.

22 BARBARA C.

23 A. In March, 1971, Barbara C. became depressed
24 and attempted to commit suicide. She was referred to respondent
25 who first saw her on or about March 17, 1971. Respondent
26 admitted her to Mercy Hospital and treated her there for
27 approximately three months. The in-patient treatment included 12

1 electro-shock treatments.

2 B. Upon her release from Mercy Hospital in
3 approximately May, 1971, Barbara C. began therapy with respondent
4 on an out-patient basis at respondent's office. The first few
5 visits consisted of some discussion and periods of silence. She
6 was also given six additional electro-shock treatments at Mercy
7 Hospital on an out-patient basis.

8 C. After a few visits, respondent said that he
9 wanted to do something different. He directed Barbara C. to
10 close her eyes and relax, and to remove her clothes while she
11 remained seated in the chair. While Barbara C. took off her
12 clothes, respondent called her a whore and said she was no good.
13 After a while, respondent told her to get dressed and open her
14 eyes.

15 D. At every therapy session which followed,
16 respondent directed Barbara C. to undress. Respondent continued
17 to call her a whore or some other similar word, and said she was
18 no good.

19 E. During the therapy sessions, respondent
20 generally talked to Barbara C. from his chair. However, on
21 several occasions, he walked over to Barbara C.'s chair and
22 struck her with her brassiere and said degrading things to her as
23 he did so. On some occasions, respondent unzipped his pants and
24 stood in front of Barbara C. One time, respondent directed
25 Barbara C. to fondle his penis, which she did. On two occasions,
26 respondent ejaculated on her face while she remained seated in
27 her chair. Respondent did not touch her, but told her to wear

1 sexier clothes.

2 F. During a therapy session several months after
3 the sessions began, respondent directed Barbara C. to lie down
4 on the floor of his office. Barbara C. was naked. Respondent
5 got on top of her and engaged in an act of sexual intercourse.

6 G. Thereafter, Barbara C.'s therapy with
7 respondent became infrequent, and ceased after October 31, 1972.
8 She has been in therapy with several therapists since that time.

9 MARION D.

10 A. On or about May, 1975, Marion D. became a
11 psychiatric patient of respondent after she became very
12 depressed. She was hospitalized by respondent at Vista Hill
13 Hospital. After she was discharged, she saw respondent on a
14 regular basis in his office.

15 B. Respondent regularly commenced the therapy
16 sessions by placing Marion D. under hypnosis and instructing her
17 not to open her eyes. Respondent frequently discussed the
18 subject of masturbation, and this caused her to become
19 embarrassed.

20 C. During three or four therapy sessions,
21 respondent instructed Marion D. to pull down her pantyhose and
22 underwear and to touch her genital area. Marion D. refused.
23 Respondent attempted to pull down her pantyhose and underwear.
24 He also attempted to touch her genitals. Marion D. fought
25 against him and respondent stopped.

26 D. During several sessions, respondent talked
27 about two of Marion D.'s co-workers and described in detail the

1 supposed sexual activity which occurred between the two co-
2 workers.

3 E. During Marion D.'s last therapy session with
4 respondent, he locked the door to his office and hypnotized her.
5 Respondent pulled at her pantyhose and she fought against him.
6 Respondent told her to relax, took her by the hand, and had her
7 lie down on the floor. Respondent tried to pull down her
8 pantyhose but Marion D. resisted. Respondent then lowered his
9 pants and laid down on top of Marion D. She felt his skin and
10 his penis against her. Marion D. started flailing her arms and
11 legs and he got up.

12 F. Marion D.'s last therapy session with
13 respondent occurred within one year of his first seeing her.
14 Thereafter, she was hospitalized in 1983, and has been seeing a
15 therapist on a regular basis.

16 LINDA B.

17 A. On or about April 26, 1982, Linda B. became a
18 psychiatric patient of respondent after she became depressed due
19 to marital problems. She saw respondent once a week for a total
20 of four sessions.

21 B. Linda B. told respondent that she was
22 experiencing sexual problems with her husband, and respondent
23 said she could either continue with her marriage, divorce her
24 husband, or have an affair. After her second session, respondent
25 called her at home at night and told her to see the movie "The
26 Story of O." After the third session, respondent said he wanted
27 Linda B. to expand sexually and encouraged her to masturbate at

1 home. He continued to call her at home at night. At the fourth
2 session, respondent said that therapy was finished, but that he
3 could see her for a follow-up in six months. He continued to
4 call her at night.

5 C. A few weeks later, respondent came to Linda
6 B.'s house. They had a few drinks and eventually engaged in
7 sexual intercourse. Respondent called her a whore, and when
8 Linda B. objected, respondent hit her on the buttocks. This
9 occurred several more times.

10 D. The sexual relationship between respondent and
11 Linda B. continued until 1986. Included in their relationship
12 were repeated spankings, whippings with a belt, chains, leather
13 straps, and blindfolds. On several occasions, respondent placed
14 his belt around Linda B.'s neck and pulled it tight. Linda B.
15 passed out one or two times from this.

16 E. On four occasions during approximately 1982,
17 respondent injected Linda B. with intravenous drugs, including
18 ritalin. On other occasions, they sniffed butyl nitrate
19 together. Respondent also gave her pills.

20 F. During the summer of 1983, respondent tied
21 Linda B. up in the bedroom of his condominium and then branded
22 her on the her skin near her vagina with a hot brass branding
23 rod. The brand was in the shape of respondent's initials "GCA."

24 G. Linda B. is presently in therapy with a
25 psychiatrist.

26 OTHER MATTERS

27 A. On September 16, 1987, the Division issued an

1 order in Case No. P-104 ordering respondent to undergo a
2 psychiatric examination pursuant to section 820 of the Code.
3 This order was served on respondent by mail on September 23,
4 1987. An appointment was made for respondent to be examined on
5 November 23, 1987, by a psychiatrist appointed by the Division.
6 On November 20, 1987, respondent advised the medical consultant
7 of the Board that he would not keep his appointment to see said
8 psychiatrist.

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Aden

DETERMINATION OF ISSUES

1. Respondent is subject to disciplinary action pursuant to sections 2227, 2234, 726 and 821 of the Business and Professions Code by reason of the Finding of Facts numbers 1 through 7, above.

2. On or about May 23, 1989, respondent submitted to the Board a "Statement to the Board and Stipulation to Revoke Medical License" in which respondent stipulated to the revocation of his medical license but specifically refused to admit the charges brought against him.

ORDER OF THE BOARD

Physician's and Surgeon's Certificate number C26644, heretofore issued to respondent Gary C. Aden, M.D., is hereby revoked. This Order shall become effective on October 9, 1989.

Pursuant to Government Code section 11520, subdivision (b), respondent is entitled to make any showing by way of mitigation prior to and including the effective date of this decision.

Made this 8th day of September, 1989.

Theresa Claassen

FOR THE BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY

THERESA CLAASSEN
Secretary/Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 ALAN S. METH,
4 Deputy Attorney General
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8 Attorneys for Complainant

9
10 BEFORE THE
11 DIVISION OF MEDICAL QUALITY
12 BOARD OF MEDICAL QUALITY ASSURANCE
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA

15 In the Matter of the Accusation
16 Against:

No. D-3816

ACCUSATION

17 GARY C. ADEN, M.D.
18 3563 4th Avenue
19 San Diego, California 92103

Physician's and Surgeon's
Certificate No. C26644

Respondent.

20 Complainant, Kenneth J. Wagstaff, alleges:

21 1. He is the Executive Director of the Board of Medical
22 Quality Assurance of the State of California ("Board") and makes
23 and files this Accusation in his official capacity.

24 2. At all times mentioned herein, respondent Gary C.
25 Aden, M.D., held Physician's and Surgeon's Certificate No. C26644
26 authorizing him to practice medicine in the State of California.
27

1 3. Sections 2227 and 2234 of the Business and
2 Professions Code ("Code") provide that the Division of Medical
3 Quality of the Board ("Division") may suspend or revoke the
4 license of any certificate holder who has been guilty of
5 unprofessional conduct.

6 4. Section 2234 of the Code provides in pertinent part:

7 "The Division of Medical Quality shall take action
8 against any licensee who is charged with unprofessional
9 conduct. In addition to other provisions of this
10 article, unprofessional conduct includes, but is not limited
11 to, the following:

12 ".

13 "(b) Gross negligence."

14 5. Section 726 of the Code provides:

15 "The commission of any act of sexual abuse,
16 misconduct, or relations with a patient, client, or
17 customer which is substantially related to the
18 qualifications, functions, or duties of the occupation for
19 which a license was issued constitutes unprofessional
20 conduct and grounds for disciplinary action for any person
21 licensed under this division, under any initiative act
22 referred to in this division and under Chapter 17
23 (commencing with Section 9000) of Division 3."

24 6. Section 820 of the Code provides in pertinent part
25 that the Division may order a licentiate to be examined by a
26 physician and surgeon if it appears that the licentiate is unable
27 to practice his profession safely because his ability to practice

1 is impaired due to mental illness or physical illness affecting
2 competency.

3 7. Section 821 of the Code provides:

4 "The licentiate's failure to comply with an order
5 issued under Section 820 shall constitute grounds for the
6 suspension or revocation of the licentiate's certificate or
7 license."

8 NANCY P.

9 8. Respondent is subject to disciplinary action as a
10 result of the following circumstances:

11 A. In approximately January, 1972, Nancy P. became
12 a psychiatric patient of respondent. During her first few
13 therapy sessions with respondent, Nancy P. told respondent about
14 the marital and sexual problems she was having with her husband.

15 B. In approximately March, 1972, respondent gave
16 Nancy P. the book The Story of "O" and told her to read it.
17 Respondent gave her approximately 12 other books which referred
18 to sado-masochism, where the female characters were whipped and
19 controlled. Respondent discussed each of the books in detail
20 with Nancy P.

21 C. In approximately April, 1972, respondent
22 directed Nancy P. to come to the next therapy session without
23 wearing any underwear and to wear a dress. She complied with
24 these directions. During this session, while her eyes were
25 closed, respondent came over to where she was sitting and placed
26 his hand under her dress to check if she was wearing underwear.
27 Respondent then massaged her pubic area for about 10 minutes.

1 Respondent directed her not to wear a brassiere or underwear for
2 the next therapy session.

3 D. Therapy sessions which followed consisted of
4 Nancy P. sitting in a chair with her eyes closed. Respondent
5 directed her not to move her arms from the armrests. Respondent
6 then positioned her legs on a footstool or placed them apart, and
7 he would kneel down with his head near her knees. Respondent
8 massaged her breasts and vagina, talked to her about the books,
9 and talked about sexual orgasms. Respondent also described
10 characters in the books being whipped and having orgasms.
11 Respondent told Nancy P. this was the type of therapy that
12 Sigmund Freud practiced.

13 E. During the summer of 1972, respondent called
14 Nancy P. at her home on a number of occasions. Respondent would
15 talk about a book and make sexually explicit statements.
16 Respondent directed Nancy P. to answer the calls in her bedroom,
17 to masturbate at home, and then to masturbate while he was
18 talking to her on the telephone. Nancy P. refused to do this but
19 told respondent she did.

20 F. In late summer of 1972, respondent told Nancy
21 P. during a therapy session that he was coming to her house the
22 following week and that she should buy a certain brand of Scotch
23 liquor, dress up in a 1950's style dress, and buy a riding crop.
24 She complied with these directions.

25 G. On a Friday night shortly thereafter, respondent
26 came to Nancy P.'s home. Respondent gave Nancy P. an injection
27 in her buttocks. After drinking Scotch with Nancy P., respondent

1 removed the 1950's style dress she was wearing. Respondent
2 directed Nancy P. into the bedroom, had her lie face down on the
3 bed, and tied her hands and feet to the four corners of the bed.
4 He then began to whip her with the riding crop until she passed
5 out. She awoke the next morning naked, untied, in pain, with her
6 back severely bruised, lacerated and bleeding, and with a
7 recollection of having experienced some form of vaginal
8 penetration.

9 H. The following Monday, Nancy P. called
10 respondent's office and cancelled her remaining appointments with
11 him. That evening, respondent called her and told her she was
12 not well enough to stop therapy. Thereafter, respondent began
13 calling her at night, but would not identify himself. The calls
14 were obscene in nature. The phone calls continued for
15 approximately six weeks but eventually stopped.

16 9. As a result of the matters alleged in paragraph 8
17 hereinabove, respondent is guilty of gross negligence in
18 violation of section 2234, subdivision (b) of the Code and is
19 subject to disciplinary action.

20 10. As a result of the matters alleged in paragraph 8
21 hereinabove, respondent is guilty of the commission of acts of
22 sexual abuse, misconduct, or relations with a patient which are
23 substantially related to the qualifications, functions, or duties
24 of a physician and surgeon in violation of section 726 of the
25 Code, and is subject to disciplinary action.

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27 ///

ANN C.

11. Respondent is subject to disciplinary action as a result of the following circumstances:

A. In 1968, Ann C. became a psychiatric patient of respondent. She sought therapy because she was depressed.

B. On or about the summer of 1971, during therapy sessions, respondent began telling Ann C. that she had nice legs. Later in 1971, respondent told Ann C. several times that she did not have "the guts to have an affair." Respondent once told Ann C.: "You'd be scared to death if I asked you to come over here and sit on my lap."

C. Ann C. saw respondent for therapy sessions during 1971 and 1972. In the summer of 1972, Ann C. moved away. However, she did have a therapy session with respondent around Christmas, 1972.

D. Ann C. began to see respondent for therapy sessions on a regular basis beginning in June, 1973. During one session, respondent asked Ann C. to sit in his lap. She walked over to him, sat in his lap, and they exchanged hugs and kisses. Respondent then engaged in an act of sexual intercourse with Ann C. in his office.

E. Ann C. returned to respondent's office for her next appointment about three weeks later and another act of sexual intercourse occurred after respondent asked her to sit in his lap. Thereafter, further acts of sexual intercourse occurred during some of Ann C.'s therapy sessions with respondent, including, but not limited to, in December, 1973 and

on Ann C.'s birthday on March 13, 1974. Therapy sessions with respondent ceased in April, 1974.

12. As a result of the matters alleged in paragraph 11 hereinabove, respondent is guilty of gross negligence in violation of section 2234, subdivision (b) of the Code and is subject to disciplinary action.

13. As a result of the matters alleged in paragraph 11 hereinabove, respondent is guilty of the commission of acts of sexual abuse, misconduct, or relations with a patient which are substantially related to the qualifications, functions, or duties of a physician and surgeon in violation of section 726 of the Code, and is subject to disciplinary action.

JUDITH R.

14. Respondent is subject to disciplinary action as a result of the following circumstances:

A. On or about October 1, 1975, Judith R. consulted respondent for the purpose of obtaining a diagnosis and treatment of a psychological illness. She was hospitalized by respondent at Vista Hill Hospital for purposes of testing, and remained there for about three months. In early 1976, respondent advised her that she had an incurable illness which required medication and therapy by him for the rest of her life. Judith R. remained a patient of respondent's through approximately July, 1981.

B. During the course of her therapy, respondent continually prescribed medications for Judith R., including but not limited to Parnate, Valium, Ritalin, Mellaril, Florinef

1 Acetate and Dexedrine. Judith R. was hospitalized four to six
2 times for drug reactions and became dependent on the drugs.

3 C. On or about February 11, 1976, respondent first
4 hypnotized Judith R. and thereafter hypnotized her regularly. As
5 a result of the hypnosis and/or drugs, Judith R. was unable to
6 recall many of the events which transpired between her and
7 respondent until approximately May, 1982.

8 D. During the time that Judith R. was a patient of
9 respondent, the following acts of a sexual nature took place:

10 1. On two occasion during 1978, respondent
11 came to Judith R.'s apartment and they engaged in
12 sexual intercourse.

13 2. On approximately six to eight occasions
14 between 1976 and 1981, Judith R. took off all her
15 clothes during therapy sessions while in
16 respondent's office and laid down naked on the
17 floor. Respondent then touched Judith R.'s body
18 in a sexual fashion.

19 3. On one occasion during a therapy session
20 in respondent's office, respondent placed a hose
21 in Judith R.'s vagina.

22 4. On more than one occasion during therapy
23 sessions in respondent's office, Judith R. was
24 regressed to childhood, and respondent inserted a
25 type of sexual toy called a "snow cone" in Judith
26 R.'s rectum. The first time this occurred was on
27 or about February 11, 1976.

1 5. On at least one occasion during a
2 therapy session in respondent's office, Judith R.
3 had her eyes closed and was imagining she was
4 driving a car, with respondent in the back seat
5 exhorting her to go faster and faster. She then
6 opened her eyes and discovered she was on the
7 floor masturbating.

8 6. On one occasion during a therapy session
9 in respondent's office, Judith R. was regressed
10 to childhood with her eyes closed, and respondent
11 talked about a baby in a baby house which was on
12 fire. Judith R. was supposed to put out the
13 fire. She opened her eyes and found she was
14 holding a tube in her vaginal area.

15 7. On one occasion during a therapy session
16 in respondent's office, Judith R. stood naked on
17 top of respondent's desk and respondent placed
18 his hands on her vaginal area.

19 8. On or about February 11, 1976, while in
20 respondent's office, respondent performed a
21 physical examination on Judith R. which included
22 a rectal and vaginal check, and insertion of a
23 drain in her rectum. Respondent then got down on
24 the floor between her legs while Judith R. was
25 standing, and while performing a vaginal
26 examination, told Judith R. he was "eating [her]
27 come."

9. On or about March 22, 1978, while in Judith R.'s apartment, respondent performed a female circumcision on Judith R. by making a one inch incision in her vaginal area and removing some skin or tissue.

10. Between October, 1980, and September, 1981, respondent regularly called Judith R. at her home and frequently discussed sexual matters. During some of these conversations, respondent discussed his own sexual wishes and bizarre sex acts.

11. On or about October, 1980, respondent directed Judith R. to buy the book The Story of "O", read it and relate to it. Respondent subsequently told Judith R. he wanted her to be an "O" and he would be the master.

15. As a result of the matters alleged in paragraph 14 hereinabove, respondent is guilty of gross negligence in violation of section 2234, subdivision (b) of the Code and is subject to disciplinary action.

16. As a result of the matters alleged in paragraph 14 hereinabove, respondent is guilty of the commission of acts of sexual abuse, misconduct, or relations with a patient which are substantially related to the qualifications, functions, or duties of a physician and surgeon in violation of section 726 of the Code, and is subject to disciplinary action.

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OTHER MATTERS

17. On September 16, 1987, the Division issued an order in Case No. P-104 ordering respondent to undergo a psychiatric examination pursuant to section 820 of the Code. This order was served on respondent by mail on September 23, 1987. An appointment was made for respondent to be examined on November 23, 1987 by a psychiatrist appointed by the Division. On November 20, 1987, respondent advised the medical consultant of the Board that he would not keep his appointment to see said psychiatrist.


18. Respondent is subject to disciplinary action pursuant to section 821 of the Code in that he failed to comply with the order of the Division dated September 16, 1987 ordering him to undergo a psychiatric examination.

WHEREFORE, complainant prays that the Division hold a hearing on the matters alleged herein, and following said hearing, issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C26644 issued to Gary C. Aden, M.D.; and

2. Taking such other and further action as the Division in its discretion deems proper.

DATED: June 29, 1988


KENNETH J. WAGSTAFF
Executive Director
Division of Medical Quality
Board of Medical Quality Assurance

ASM:sg

Complainant

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of the State of California
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6

7

BEFORE THE

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DIVISION OF MEDICAL QUALITY

9

BOARD OF MEDICAL QUALITY ASSURANCE

10

DEPARTMENT OF CONSUMER AFFAIRS

11

STATE OF CALIFORNIA

12

13 In the Matter of the Accusation
14 Against:

No. D-3816

SUPPLEMENTAL ACCUSATION

GARY C. ADEN, M.D.
3563 4th Avenue
San Diego, California 92103

Physician's and Surgeon's
Certificate No. C26644

Respondent.

19

20 For a Supplemental Accusation and in addition to the
21 matters contained in the Accusation heretofore filed,
22 complainant, Kenneth J. Wagstaff, alleges:

23 19. He is the Executive Director of the Board of
24 Medical Quality Assurance of the State of California and makes
25 and files this Supplemental Accusation in his official capacity.

26 20. Complainant realleges and incorporates by
27 reference each and every allegation of paragraphs 1 through 18 of

1 the Accusation filed on June 29, 1988, as if fully set forth
2 herein.

3 MARY M.

4 21. Respondent is subject to disciplinary action as a
5 result of the following circumstances:

6 A. In approximately September, 1969, Mary M.
7 became a psychiatric patient of respondent. She sought therapy
8 because she was depressed. She had been married since 1960.

9 B. After two or three visits, respondent told
10 Mary M. that her problems were sexual in nature, that she had too
11 many sexual inhibitions, she needed to overcome them, she needed
12 to relax before she could work on them, and he suggested
13 hypnosis. Respondent's hypnosis technique consisted of having
14 Mary M. breathe fast, close her eyes and relax. The patient's
15 eyes remained closed during hypnosis.

16 C. When Mary M. was hypnotized, respondent talked
17 to her about her being a prostitute, followed by discussions of
18 her day to day activities.

19 D. At approximately the sixth therapy session,
20 respondent directed Mary M. to take her clothes off. When Mary
21 M. objected, respondent became angry and threatened not to treat
22 her. Mary M. removed her clothes. Respondent told her to lay
23 down on the sofa, relax, keep her eyes closed, and that he was
24 going to spank her, that she would enjoy it, and that she wanted
25 it and deserved it. Respondent directed Mary M. to roll over on
26 her stomach. When she did so, he spanked her buttocks with his
27 hands, causing her buttocks to become red and bruised.

1 Respondent then unzipped his pants, lowered them, and attempted
2 to have sexual intercourse with Mary M., but was unable to
3 penetrate her.

4 E. Part of each of the next three or four therapy
5 sessions included respondent spanking Mary M. Following the
6 spanking, respondent asked Mary M. to perform oral sex on him and
7 she did. Because she had no prior experience, respondent showed
8 her where to put her hands and her mouth. Respondent sat in a
9 chair and Mary M. knelt in front of him. One time after oral
10 sex, respondent masturbated in front of Mary M. until he
11 ejaculated. While this was occurring, respondent talked about
12 her "being a whore." During approximately two of these sessions,
13 respondent told Mary M. to disrobe and he attempted to have
14 sexual intercourse with her but was unable to. During the
15 sessions when Mary M. did not disrobe, respondent lifted her
16 dress and spanked her on her panties. While he did this,
17 respondent said Mary M. needed it, wanted it, and enjoyed it.
18 Respondent directed Mary M. not to talk about their sessions.

19 F. In approximately December, 1969, respondent
20 told Mary M. that they needed more privacy than was available in
21 his office and that they needed to move to a motel. Throughout
22 1970, respondent and Mary M. met nearly every week in a motel.
23 In 1971, Mary M. moved to Covina, and they met approximately
24 twice a week. Occasionally, respondent would meet Mary M. in the
25 Los Angeles area, and they met on more than one occasion at the
26 Disneyland Hotel. Thereafter, the meetings between respondent
27 and Mary M. became infrequent, until 1975, when Mary M. moved to

Georgia. Between 1975 and 1985, they met in various cities while respondent was attending conventions. Each such meeting lasted for about two or three days. Their meetings ended in 1985.

G. When respondent and Mary M. first met in a motel in late 1969, respondent tied her hands to the back of the bed, had Mary M. lie on her stomach, and beat her mostly on her buttocks with his belt. Respondent told Mary M. that she wanted this and enjoyed it, and directed her not to cry. However, she did cry and became black and blue from the beating.

H. The beatings at the motels continued over a long period of time. Occasionally, respondent would become sexually excited and massage Mary M.'s vagina and anus with his hands, masturbate, or direct Mary M. to masturbate herself in front of him. Sexual intercourse occurred but on an infrequent basis. Respondent purchased presents for Mary M., including a black skirt, blouse, bra, and hose.

I. During 1971, Mary M. became pregnant by respondent. Respondent said it was all right for her to have the baby but that he could not tell anyone it was his. Respondent arranged for and paid for an abortion to be performed in a motel room.

J. Also during 1971, Mary M. took an overdose of tranquilizers and had to be hospitalized at Sharp Hospital.

K. Sometime in 1977 or 1978, Mary M. visited respondent at his apartment in San Diego. Respondent gave her a shot of morphine, shaved her pubic area with a razor, took a metal stick with a loop on the end, held it over a flame, and

1 branded her by touching the hot iron to the skin of her pubic
2 area. The brand is in the shape of a question mark. Respondent
3 told Mary M. he was putting his brand on her, that it showed
4 ownership, and that she was doing what he wanted her to do. The
5 brand burned and later blistered and scabbed over. Respondent
6 gave her morphine shots over the next few days for the pain.

7 L. On two occasions, respondent took Mary M. to
8 massage parlors in Orange County. After their massages,
9 respondent directed the female masseuse to perform oral sex on
10 Mary M. while respondent watched, and then had her perform oral
11 sex on him while Mary M. watched.

12 M. In September, 1981, Mary M. met respondent in
13 Las Vegas, Nevada. Respondent gave her an injection in her left
14 arm which caused her severe pain. Later, respondent gave her
15 some pills for the pain, and they engaged in their ritual with
16 the belt. The pain increased and Mary M. went to a hospital
17 emergency room where she remained for the night. Respondent
18 picked her up the next day and took her back to their motel, but
19 she remained sick. Mary M. returned to Atlanta, Georgia the next
20 day and entered a hospital, where she remained for 10 days. Her
21 left arm developed a severe infection.

22 N. In 1985, Mary M. met respondent in a motel in
23 Atlanta. While they were there, respondent put his belt around
24 Mary M.'s neck and pulled on it until she passed out. When she
25 regained consciousness, he pulled it again until she passed out
26 again. This occurred several more times. The next morning, Mary
27 M. had a sore throat and told respondent she was afraid.

1 Respondent told her to trust him, that he knew what he was doing,
2 and that he was not going to "snuff" her out. Mary M. became
3 afraid of respondent and the potential for an accidental death.

4 O. Mary M. left respondent and attempted a drug
5 overdose. She was admitted to a hospital in Chamblee, Georgia
6 for a 21 day rehabilitation program. Since then, she has been
7 under the care of a psychiatrist.

8 22. As a result of the matters alleged in paragraph 21
9 hereinabove, respondent is guilty of gross negligence in
10 violation of section 2234, subdivision (b) of the Code and is
11 subject to disciplinary action.

12 23. As a result of the matters alleged in paragraph 21
13 hereinabove, respondent is guilty of the commission of acts of
14 sexual abuse, misconduct, or relations with a patient which are
15 substantially related to the qualifications, functions, or duties
16 of a physician and surgeon in violation of section 726 of the
17 Code, and is subject to disciplinary action.

18 **BARBARA C.**

19 24. Respondent is subject to disciplinary action as a
20 result of the following circumstances:

21 A. In March, 1971, Barbara C. became depressed
22 and attempted to commit suicide. She was referred to respondent
23 who first saw her on or about March 17, 1971. Respondent
24 admitted her to Mercy Hospital and treated her there for
25 approximately three months. The in-patient treatment included 12
26 electro-shock treatments.

27 ///

1 B. Upon her release from Mercy Hospital in
2 approximately May, 1971, Barbara C. began therapy with respondent
3 on an out-patient basis at respondent's office. The first few
4 visits consisted of some discussion and periods of silence. She
5 was also given six additional electro-shock treatments at Mercy
6 Hospital on an out-patient basis.

7 C. After a few visits, respondent said that he
8 wanted to do something different. He directed Barbara C. to
9 close her eyes and relax, and to remove her clothes while she
10 remained seated in the chair. While Barbara C. took off her
11 clothes, respondent called her a whore and said she was no good.
12 After a while, respondent told her to get dressed and open her
13 eyes.

14 D. At every therapy session which followed,
15 respondent directed Barbara C. to undress. Respondent continued
16 to call her a whore or some other similar word, and said she was
17 no good.

18 E. During the therapy sessions, respondent
19 generally talked to Barbara C. from his chair. However, on
20 several occasions, he walked over to Barbara C.'s chair and
21 struck her with her brassiere and said degrading things to her as
22 he did so. On some occasions, respondent unzipped his pants and
23 stood in front of Barbara C. One time, respondent directed
24 Barbara C. to fondle his penis, which she did. On two occasions,
25 respondent ejaculated on her face while she remained seated in
26 her chair. Respondent did not touch her, but told her to wear
27 sexier clothes.

1 F. During a therapy session several months after
2 the sessions began, respondent directed Barbara C. to lie down on
3 the floor of his office. Barbara C. was naked. Respondent got
4 on top of her and engaged in an act of sexual intercourse.

5 G. Thereafter, Barbara C.'s therapy with
6 respondent became infrequent, and ceased after October 31, 1972.
7 She has been in therapy with several therapists since that time.

8 25. As a result of the matters alleged in paragraph 24
9 hereinabove, respondent is guilty of gross negligence in
10 violation of section 2234, subdivision (b) of the Code and is
11 subject to disciplinary action.

12 26. As a result of the matters alleged in paragraph 24
13 hereinabove, respondent is guilty of the commission of acts of
14 sexual abuse, misconduct, or relations with a patient which are
15 substantially related to the qualifications, functions, or duties
16 of a physician and surgeon in violation of section 726 of the
17 Code, and is subject to disciplinary action.

18 MARION D.

19 27. Respondent is subject to disciplinary action as a
20 result of the following circumstances:

21 A. On or about May, 1975, Marion D. became a
22 psychiatric patient of respondent after she became very
23 depressed. She was hospitalized by respondent at Vista Hill
24 Hospital. After she was discharged, she saw respondent on a
25 regular basis in his office.

26 B. Respondent regularly commenced the therapy
27 sessions by placing Marion D. under hypnosis and instructing her

1 not to open her eyes. Respondent frequently discussed the
2 subject of masturbation, and this caused her to become
3 embarrassed

4 C. During three or four therapy sessions,
5 respondent instructed Marion D. to pull down her pantyhose and
6 underwear and to touch her genital area. Marion D. refused.
7 Respondent attempted to pull down her pantyhose and underwear.
8 He also attempted to touch her genitals. Marion D. fought
9 against him and respondent stopped.

10 D. During several sessions, respondent talked
11 about two of Marion D.'s co-workers and described in detail the
12 supposed sexual activity which occurred between the two co-
13 workers.

14 E. During Marion D.'s last therapy session with
15 respondent, he locked the door to his office and hypnotized her.
16 Respondent pulled at her pantyhose and she fought against him.
17 Respondent told her to relax, took her by the hand, and had her
18 lie down on the floor. Respondent tried to pull down her
19 pantyhose but Marion D. resisted. Respondent then lowered his
20 pants and laid down on top of Marion D. She felt his skin and
21 his penis against her. Marion D. started flailing her arms and
22 legs and he got up.

23 F. Marion D.'s last therapy session with
24 respondent occurred within one year of his first seeing her.
25 Thereafter, she was hospitalized in 1983, and has been seeing a
26 therapist on a regular basis.

27 ///

28. As a result of the matters alleged in paragraph 27 hereinabove, respondent is guilty of gross negligence in violation of section 2234, subdivision (b) of the Code and is subject to disciplinary action.

29. As a result of the matters alleged in paragraph 27 hereinabove, respondent is guilty of the commission of acts of sexual abuse, misconduct, or relations with a patient which are substantially related to the qualifications, functions, or duties of a physician and surgeon in violation of section 726 of the Code, and is subject to disciplinary action.

LINDA B.

30. Respondent is subject to disciplinary action as a result of the following circumstances:

A. On or about April 26, 1982, Linda B. became a psychiatric patient of respondent after she became depressed due to marital problems. She saw respondent once a week for a total of four sessions.

B. Linda B. told respondent that she was experiencing sexual problems with her husband, and respondent said she could either continue with her marriage, divorce her husband, or have an affair. After her second session, respondent called her at home at night and told her to see the movie "The Story of O." After the third session, respondent said he wanted Linda B. to expand sexually and encouraged her to masturbate at home. He continued to call her at home at night. At the fourth session, respondent said that therapy was finished, but that he could see her for a follow-up in six months. He continued to

1 call her at night.

2 C. A few weeks later, respondent came to Linda
3 B.'s house. They had a few drinks and eventually engaged in
4 sexual intercourse. Respondent called her a whore, and when
5 Linda B. objected, respondent hit her on the buttocks. This
6 occurred several more times.

7 D. The sexual relationship between respondent and
8 Linda B. continued until 1986. Included in their relationship
9 were repeated spankings, whippings with a belt, chains, leather
10 straps, and blindfolds. On several occasions, respondent placed
11 his belt around Linda B.'s neck and pulled it tight. Linda B.
12 passed out one or two times from this.

13 E. On four occasions during approximately 1982,
14 respondent injected Linda B. with intravenous drugs, including
15 Ritalin. On other occasions, they sniffed butyl nitrate
16 together. Respondent also gave her pills.

17 F. During the summer of 1983, respondent tied
18 Linda B. up in the bedroom of his condominium and then branded
19 her on the her skin near her vagina with a hot brass branding
20 rod. The brand was in the shape of respondent's initials "GCA."

21 G. Linda B. is presently in therapy with a
22 psychiatrist.

23 31. As a result of the matters alleged in paragraph 30
24 hereinabove, respondent is guilty of gross negligence in
25 violation of section 2234, subdivision (b) of the Code and is
26 subject to disciplinary action.

27 ///

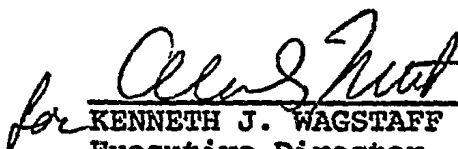
32. As a result of the matters alleged in paragraph 30 hereinabove, respondent is guilty of the commission of acts of sexual abuse, misconduct, or relations with a patient which are substantially related to the qualifications, functions, or duties of a physician and surgeon in violation of section 726 of the Code, and is subject to disciplinary action.

WHEREFORE, complainant prays that the Division hold a hearing on the matters alleged herein, and following said hearing, issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C26644 issued to Gary C. Aden, M.D.; and

2. Taking such other and further action as the Division in its discretion deems proper.

DATED: April 4, 1989

for 
KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance

Complainant

ASM:sg